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DEPARTMENT OF THE ARMY

U.S. ARMY CRIMINAL INVESTIGATION COMMAND

Fort Lewis CID Office

P.O. Box 339500, MS 84, Joint Base Lewis McChord, WA 98433-9500

06 Jun 2011

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL/SSI - 0335-2011-CID016-45738 -
5C1D / 5C1N / 5Y2B0 / 5C2B / 9J

DATES/TIMES/LOCATIONS OF OCCURENCES:

1. 30 AUG 2009, 0001 - 30 AUG 2009, 2359; UNKNOWN LOCATION,
AFGHANISTAN

2. 31 AUG 2009, 2301 - 30 SEP 2009, 2259; ARGHANDAB RIVER VALLEY,
AFGHANISTAN

3. 31 MAR 2010, 2301 - 30 APR 2010, 2259; MAYWAN DISTRICT,
AFGHANISTAN

4. 30 JUN 2009, 2301 - 31 OCT 2009, 2259; UNKNOWN, AFGHANISTAN

5. 30 JUN 2009, 2301 - 31 OCT 2009, 2259; UNKNOWN, AFGHANISTAN

DATE/TIME REPORTED: 14 APR 2011, 1130

INVESTIGATED BY:

SA (b)(6) (b)(7)(C), (b) (7)(E)
SA
SA
SA
SA
SA
SA
SA

SUBJECT:

1. (b)(6) (b)(7)(C) SSG; (XXX (b)(6) (b)(7)(C) (DOB); (POB); MALE;
WHITE; B COMPANY, 2-1 INFANTRY BATTALION, 5-2 STRYKER BRIGADE
COMBAT TEAM, FOB RAMROD, AF; CT ; [FAILURE TO OBEY GENERAL ORDER],
[WAR CRIMES], [ASSAULT], [AGGRAVATED ASSAULT]

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2. (b)(6) (b)(7)(C) SSG; (XXX-(b)(6) (b)(7)(C)) (DOB); (POB); MALE;
WHITE; B COMPANY, 2-1 INFANTRY BATTALION,, 5-2 STRYKER BRIGADE
COMBAT TEAM, FOB RAMROD, AF; CT ; [ASSAULT]

3. (b)(6) (b)(7)(C) SGT; (XXX-(b)(6) (b)(7)(C)) (DOB); (POB); MALE;
WHITE; B COMPANY, 2-1 INFANTRY BATTALION, 5-2 STRYKER BRIGADE
COMBAT TEAM, FOB RAMROD, AF; CT ; [ASSAULT]

4. (b)(6) (b)(7)(C) SSG; (XXX-(b)(6) (b)(7)(C)) (DOB); (POB); MALE;
WHITE; B COMPANY, 2-1 INFANTRY REGIMENT, 5-2 STRYKER BRIGADE
COMBAT TEAM, AF; CT ; [AGGRAVATED ASSAULT]

VICTIM:

1. U.S. GOVERNMENT; [FAILURE TO OBEY GENERAL ORDER], [WAR
CRIMES]

2. [CHANGE] UNKNOWN, 2304702-0335-2011-CID016-I ; FRCIV; (POB);
MALE; UNKNOWN; UNKNOWN, AF; XZ ; [FAILURE TO OBEY GENERAL ORDER],
[WAR CRIMES]

3. [CHANGE] UNKNOWN, 2304701-0335-2011-CID016-I ; FRCIV; (POB);
MALE; UNKNOWN; UNKNOWN, AF; XZ ; [FAILURE TO OBEY GENERAL ORDER],
[WAR CRIMES]

4. [CHANGE] UNKNOWN, 2304700-0335-2011-CID016-I ; FRCIV; (POB);
MALE; UNKNOWN; UNKNOWN, AF; XZ ; [FAILURE TO OBEY GENERAL ORDER],
[WAR CRIMES]

5. [CHANGE] UNKNOWN, 2304699-0335-2011-CID016-I ; FRCIV; (POB);
MALE; UNKNOWN; UNKNOWN, AF; XZ ; [FAILURE TO OBEY GENERAL ORDER],
[WAR CRIMES], [ASSAULT]

6. [CHANGE] UNKNOWN, 2314018-0335-2011-CID016-I ; FRCIV; (POB);
MALE; UNKNOWN; UNKNOWN, AF; XZ ; [ASSAULT]

7. [CHANGE] UNKNOWN, 2318151-0335-2011-CID016-I ; FRCIV; (POB);
MALE; UNKNOWN; UNKNOWN, AF; XZ ; [AGGRAVATED ASSAULT]

8. [CHANGE] UNKNOWN, 2318148-0335-2011-CID016-I ; FRCIV; (POB);
MALE; UNKNOWN; UNKNOWN, AF; XZ ; [AGGRAVATED ASSAULT]

INVESTIGATIVE SUMMARY:

This investigation was initiated based upon information obtained during the conduct of Target

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Analysis File (TAF) 0255-11-CID016. During the conduct of TAF 0255-11-CID016, SSG (b)(6) (b)(7)(C) was identified in photographs posing with four unidentified Afghan male detainees.

Investigation established probable cause to believe SSG (b)(6) (b)(7)(C) committed the offense of Failure to Obey a General Order when he posed for photographs with detainees in violation of General Order #1.

Investigation established probable cause to believe SSG (b)(6) (b)(7)(C), SSG (b)(6) (b)(7)(C), and SGT (b)(6) (b)(7)(C) committed the offense of Assault when they punched and kicked detainees while they were restrained on the ground.

Investigation established probable cause to believe SSG (b)(6) (b)(7)(C) and SSG (b)(6) (b)(7)(C) committed the offense of Aggravated Assault when SSG (b)(6) (b)(7)(C) used rope to strangle a detainee in order to elicit information from him and SSG (b)(6) (b)(7)(C) used a collapsible baton to strike a detainee while he was restrained on the ground.

MAJ (b)(6) (b)(7)(C) Trial Counsel, Office of the Staff Judge Advocate (OSJA), JBLM, opined probable cause existed to believe SSG (b)(6) (b)(7)(C) committed Failure to Obey a General Order when he posed in photographs with Afghan detainees. MAJ (b)(6) (b)(7)(C) opined probable cause existed to believe SSG (b)(6) (b)(7)(C), SSG (b)(6) (b)(7)(C), and SGT (b)(6) (b)(7)(C) committed Assault when they punched and kicked Afghan detainees. MAJ (b)(6) (b)(7)(C) also opined probable cause existed to believe SSG (b)(6) (b)(7)(C) and SSG (b)(6) (b)(7)(C) committed Aggravated Assault when they used objects to inflict pain on Afghan detainees.

STATUTES:

Article 92, UCMJ: Failure to Obey A General Order

Article 128, UCMJ: Assault Consummated By A Battery

Article 128, UCMJ: Aggravated Assault

EXHIBITS:

Attached:

1. AIR of SA (b)(6) (b)(7)(C), 2 Jun 11.
2. Compact Disc (CD) containing Photographic Images (Detainees). (USACRC and File copy only)
3. Sworn Statement of PVT (b)(6) (b)(7)(C) 12 May 11.

Not Attached:

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None.

The originals of Exhibits 1-3 are forwarded with the USACRC copy of this report.

STATUS: This is a Final (C) Report. Commander's Report of Disciplinary Action Taken (DA Form 4833) is pending. SSG (b)(6) (b)(7)(C) SSG (b)(6) (b)(7)(C) and SGT (b)(6) (b)(7)(C) re currently pending judicial action as a result of their actions while deployed to Afghanistan. SSG (b)(6) (b)(7)(C) received a General Officer Memoranda of Reprimand (GOMOR) as a result of his actions in Afghanistan and has since been granted immunity.

CID reports of investigation may be subject to a Quality Assurance Review by CID higher headquarters.

Report Prepared By:

Report Approved By:

(b)(6) (b)(7)(C)
Special Agent

(b)(6) (b)(7)(C)
Special Agent

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA
Commander, 6th MP Group (CID), Fort Lewis, WA 98433
Cdr, 22d MP Bn, Ft Lewis, WA
PROVOST MARSHAL OFFICE OPERATIONS JBLM WA
CHIEF OF CRIMINAL LAW (LTC (b)(6) (b)(7)(C))
CG USACIDC FT BELVOIR VA //CIOP-ZA//
SJA, SENIOR TRIAL COUNSEL (MAJ (b)(6) (b)(7)(C))
FILE